

IN RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION  
W/S Rolling Road, 625 ft. N of Frederick Road  
14-A North Rolling Road  
1st Election District  
1st Councilmanic District  
Legal Owner: Richard DiSalvo, et ux  
Contract Purchaser:  
Clayton E. Spivey  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-276-SPHX

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Special Exception for that property known as 14-A N. Rolling Road in the Catonsville section of Baltimore County. The Petition was filed by the Legal Owners of the property, Richard and Bonnie DiSalvo. However, the relief requested is necessitated by the proposed use of the property by the Contract Purchaser of same, namely, Mrs. Clayton E. Spivey.

As to the Petition for Special Hearing, it is requested that I determine that an Acupuncturist is a "professional person" as that term is intended under Section 1B01.1.C(9B) of the Baltimore County Zoning Regulations (B.C.Z.R.). Within that section, an office or studio of a physician, dentist, lawyer, architect, engineer, artist, musician or other professional person is permitted by special exception in a D.R. zone. The Contract Purchaser seeks an Order that the office of an Acupuncturist is permitted. Assuming such a determination is made, the Petitioner then seeks, by way of the Petition for Special Exception, approval for an Acupuncturist's office at the subject locale.

Both the property owners, Richard and Bonnie DiSalvo, appeared at the

hearing. The Contract Purchaser/Petitioner, Clayton E. Spivey, also appeared and was represented by Mitchell R. Peiser, Esquire. Two neighbors of the subject property, Deborah Csakvary and Elizabeth Cleveland, who both reside at 12 N. Rolling Road, appeared in support of the Petition, but did not testify.

In opposition to the Petition, John L. Schneider of 100 N. Rolling Road appeared, as did Judith A. Murphy at 14 North Rolling Road, and Stuart E. Bennett of 104 North Rolling Road. Additionally, correspondence in opposition to the Petition was received from several property owners in the subject locale.

The subject property is located off of a panhandle driveway which accesses Rolling Road. The parcel is zoned D.R.3.5 and is approximately .48 acres in size. It is improved by a two story single family dwelling which features a single story addition on the side. Further, two patios adjoin the dwelling, as well as an existing macadam driveway and parking area. All of the improvements, as well as the immediate neighborhood, are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Special Exception.

Addressing, first, the Special Hearing, Mrs. Spivey offered substantial testimony and evidence regarding her background and occupation. She has obtained a Bachelor of Science degree and also a Masters Degree in the study of acupuncture. She testified extensively as to the requirements to become a licensed Acupuncturist in the State of Maryland. In her case, she has both graduated from a School of Acupuncture and passed a National Board exam for those individuals entering the profession. She testified that she has practiced her profession for approximately 1-1/2 years and currently maintains an office in Columbia, Md. She also presented a packet of infor-

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mation, collectively identified as Petitioner's Exhibit No. 2, regarding her qualifications. This includes her license to practice acupuncture issued by the Department of Mental Health and Hygiene of the State of Maryland, a certificate attesting to her Master's degree in the field of acupuncture issued by the Traditional Acupuncture Institute and portions of the Maryland Department of Health and Mental Hygiene regulations which govern acupuncturists.

Based upon my review and the evidence and testimony offered, I am of the opinion that an acupuncturist, in fact, is a "other professional person" as that term is employed in Section 1B01.1.C(9B). In making this judgment, I am mindful of the other occupations identified within the regulation. Specifically, offices and studios of physicians, dentists, lawyers, and others, are permitted. All of these professional persons require specialized training, are licensed by the State, and are bound by a code of ethics and/or principals imposed by that profession. The evidence presented in the instant case convinces me that the occupation of an Acupuncturist has much in common with the standards and requirements of those professions. Thus, based upon my interpretation of the regulation, as well as the case law, e.g., Colker v. District of Columbia Board of Zoning Adjustment, 474 A2d. 820 (1983), and Keefe Company v. District of Columbia Board of Zoning Adjustment, 409 2d, 624 (1979), I am persuaded that an Acupuncturist is a professional person and can, by Special Exception, maintain an office in a D.R. zone.

Further, evidence was offered that Mrs. Spivey intends to establish her office within the same building which would serve as her primary residence and that the office would not occupy more than 25% of the total floor area of the residence. Specifically, it was shown that the office would be

-3-

approximately 300 sq. ft. in area, well below the 25% threshold mandate in Section 1B01.1.C(9B). The total area of the house is computed at 2,422 sq. ft. Further, Ms. Spivey testified that she did not intend to employ more than one non-resident professional associate, nor two other non-resident employees. Thus, I am persuaded to grant the Petition for Special Hearing, in that same is in compliance with the spirit, intent and literal provisions of Section 1B01.1.C(9B).

Having made that determination, I must, therefore, address the Petition for Special Exception. In adjudging this request, I must determine whether the proposed use would be detrimental to the primary uses in the vicinity based upon the factors as delineated in Section 502.1 of the B.C.Z.R. I have carefully considered the Petition for Special Exception. My decision is based upon the testimony offered and numerous exhibits presented at the public hearing (including the site plan and numerous photographs), as well as a visit to the proposed site.

As indicated, the subject property, although bearing a Rolling Road address, does not immediately abut Rolling Road. Rather, access to the property is by way of a 10 ft. (+/-) wide existing macadam driveway which leads to the property from Rolling Road. This panhandle driveway actually serves five (5) properties. There is an existing dwelling owned and occupied by Mr. and Mrs. Edward G. Schmidt which abuts Rolling Road (No. 14 N. Rolling Road), as well as a house south of the Schmidt property and separated from same by the driveway occupied by Mrs. Cleveland (No. 12 N. Rolling Road). As the panhandle driveway works its way west from Rolling Road, it passes the subject property, known as 14-A N. Rolling Road, as well as a lot and dwelling thereon to the south, immediately across the driveway. The driveway ends at a property owned and occupied by Mr. and Mrs. Murphy.

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Additionally, oral testimony was given and supported by a deed submitted which indicates that the right of way, upon which the macadam driveway is located, is owned by Mr. and Mrs. Murphy. The other four (4) lots served by the driveway, as identified above, have an easement across same for ingress and egress from Rolling Road.

Returning to the testimony presented, Mrs. Spivey discussed the physical layout of the house and the plans for her practice. She intends on keeping flexible hours, from approximately 10:00 A.M. thru the early evening. She further noted that the average appointment for her patients is from one to two hours and she will consult six to seven patients per day. In her view, it is unlikely that more than a few vehicles will park at the site at any one time due to the low volume and scheduling of patients. She also anticipates no additional employees, other than a possible part time clerical employee and a professional employee to fill in for her when she is unavailable or on vacation. In fact, I agree with her assessment that the physical layout of the structure is sufficient to support the proposed use.

In opposition to the Petition, Judith A. Murphy, the adjacent property owner, as described above, testified. She has several objections.

First, she is concerned about the disposal of medical waste and the potential pollution from same in the surrounding locale. This concern, however, was allayed in my mind by testimony elicited from Mrs. Spivey that there will be minimal amount of medical waste and that same will be properly disposed. Mrs. Murphy's other concerns, however, are more germane. She is specifically concerned about both the parking of vehicles visiting the site and traffic generated by the proposed use. As to parking, Mrs. Murphy believes that the subject property has insufficient parking spaces for the

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proposed use. She has observed in the past that cars visiting the site often park on the unimproved portion of the right-of-way. As owner of same, she will not allow parking for Mrs. Spivey's patients on the right-of-way and believes that the site does not have a sufficient number of spaces. She also questions whether the existing driveway can accommodate additional traffic.

Her comments were echoed by Mr. Bennett, the Vice President of the local community association, who also opposes the Petition for the reasons set forth above, as well as a concern that additional, commercial intrusion in this neighborhood would devalue other residential properties.

As indicated above, I am required to adjudge the merits of the special exception in accordance with Section 502.1 of the B.C.Z.R. That section sets out the specific criteria which must be applied to each Petition. Specifically, in this instance, I am most concerned about sub-section 502.1b which provides that the special exception should not be granted if the use will "tend to create congestion in roads, streets, or alleys therein." Based upon my site visit to the property, as well as the testimony and photographs presented, I must conclude that the use as proposed will, in fact, cause real detriment to the surrounding locale by virtue of increased congestion in the roads, streets, or alleys adjacent to this property. I am particularly concerned over the fact that the driveway is very narrow and will not support any appreciable volume of vehicle traffic to the property. Additionally, the site distance when looking from the driveway down Rolling Road is insufficient. The access/egress from the driveway to Rolling Road is dangerous. In my view, this intersection is an accident waiting to happen. Further, it is to be noted that the Murphys are fee simple owners of the right of way on which the macadam driveway is located.

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ed. Thus, Mrs. Spivey has neither the right, nor authority, to bring the driveway into conformance with County regulations and standards. I particularly note the Zoning Advisory comment filed in this case by the Bureau of Traffic Engineering. Within that comment, it is suggested that the existing 10 ft. driveway be widened to a minimum of 16 ft. paved section. Even if Mrs. Spivey is inclined to improve the driveway, she cannot do so, in that she does not own the property.

For the aforementioned reasons, I am persuaded that the Petition for Special Exception must, therefore, be denied.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 20<sup>th</sup> day of March, 1992, that the Petition for Special Hearing to approve an Acupuncturist as a qualified professional for the purpose of maintaining a professional office within a residential property be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to approve the use of a professional office within the subject property, in accordance with Petitioner's Exhibit No. 1, be and is hereby DENIED.

LES:mmn

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

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Baltimore County Government  
Zoning Commission  
Office of Planning and Zoning

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 20, 1992

Mitchell R. Peiser, Esquire  
805 Court Square Building  
Baltimore, Maryland 21202

RE: Petitions for Special Hearing and Special Exception  
Case No. 92-276-SPHX  
Clayton E. Spivey, Contract Purchasers  
Richard DiSalvo, et ux, Legal Owners.

Dear Mr. Peiser:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Special Exception have been granted, in part, and denied in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner  
for Baltimore County

LES:mmn  
att.  
cc: Mrs. Clayton E. Spivey  
cc: Mr. and Mrs. Richard DiSalvo  
cc: Mrs. Judith A. Murphy

## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County 92-276-SPHX

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve acupuncture as a qualified medical profession for the purpose of a professional office within a residential property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Clayton E. Spivey  
(Type or Print Name)  
Signature  
5810 Barnwood Place  
Columbia, MD 21044  
City and State

Legal Owner(s):

Richard D. Disalvo  
(Type or Print Name)  
Signature  
Richard D. Disalvo  
(Type or Print Name)  
Signature  
Catonville, MD 21228  
City and State

Attorney for Petitioner:

Mitchell R. Peiser  
(Type or Print Name)  
Signature  
805 Court Square Building  
Baltimore, Maryland 21202  
City and State  
Attorney's Telephone No.: (410) 539-2660

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Clayton E. Spivey  
5810 Barnwood Pl  
Columbia, MD 21044 730-0554  
City and State Phone No.



OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING - 1/2HR.  
AVAILABLE FOR HEARING  
MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHER DATE 1-9-92  
REVIEWED BY LG

## Petition for Special Exception

to the Zoning Commissioner of Baltimore County 92-276-SPHX

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a professional office (acupuncture) within the primary residence.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Clayton E. Spivey  
(Type or Print Name)  
Signature  
5810 Barnwood Pl  
Columbia, MD 21044  
City and State

Legal Owner(s):

Richard D. Disalvo  
(Type or Print Name)  
Signature  
Richard D. Disalvo  
(Type or Print Name)  
Signature  
Catonville, MD 21228  
City and State

Attorney for Petitioner:

Mitchell R. Peiser  
(Type or Print Name)  
Signature  
805 Court Square Building  
Baltimore, Maryland 21202  
City and State  
Attorney's Telephone No.: (410) 539-2660

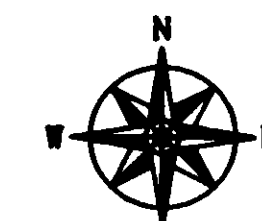
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Clayton E. Spivey  
5810 Barnwood Pl  
Columbia, MD 730-0554  
City and State Phone No.



OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING - 1/2HR.  
AVAILABLE FOR HEARING  
MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHER DATE 1-9-92  
REVIEWED BY LG

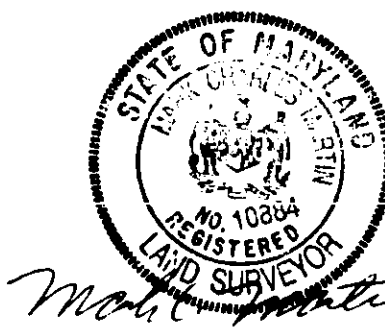
## LAND SURVEY & DESIGN, INC.

5710 Executive Drive Suite 100  
Baltimore, Maryland 21228  
301-788-4445



### ZONING DESCRIPTION

Beginning for the same at a point 625.30 feet northerly from the intersection of Rolling Road and the north side of Frederick Road and South 77 degrees 30 minutes 53 seconds West, 187.84 feet from the west most right or way line of Rolling Road, 70 feet wide, running thence: South 77 degrees 30 minutes 53 seconds West, 5.78 feet, South 80 degrees 56 minutes 31 seconds West, 126.28 feet, North 1 degree 57 minutes 04 seconds West, 172.40 feet, South 88 degrees 50 minutes 04 seconds East, 132.03 feet, South 1 degree 37 minutes 34 seconds East, 148.54 feet to the place of beginning. Being all of that parcel of land which by deed dated June 19, 1980 was and recorded among the land records of Baltimore County in Liber 6176 folio 771 was conveyed by Phoebe F. Rutherford to Richard Joseph Disalvo and Bonnie Ballard Disalvo, containing 0.48 acres. Also known as 14 Rolling Road and located in the #1 Election District.



286

## CERTIFICATE OF POSTING

92-276-SPHX

District: 1st Date of Posting: February 13, 1992  
Posted for: Spivey, Clayton E. Special Exception  
Petitioner: Bonnie Disalvo and Richard Disalvo  
Location of property: 14 Rolling Road, 1st Election District  
Location of Sign: 14 Rolling Road, Catonsville, Md. to  
Remarks:  
Posted by: J. J. Grate Signature Date of return: January 17, 1992  
Number of Signs: 3

## CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/13, 1992

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Special Exception for a professional office (acupuncture) within the primary residence, for a professional office (acupuncture) within the primary residence, at 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Case Number: 92-276-SPHX  
W/S Rolling Road, 625' N of Frederick Road  
14-A N. Rolling Road  
1st Election District - 1st Councilmember  
Legal Owner(s): Bonnie Disalvo and Richard Disalvo  
Contract Purchaser(s): Clayton E. Spivey  
Hearing: Wednesday, March 4, 1992 at 5:00 p.m.  
Special Hearing to approve acupuncture as a qualified medical profession for the purpose of a professional office within a residential property. Special Exception for a professional office (acupuncture) within the primary residence.  
LAWRENCE E. SCHMIDT, Zoning Commissioner of Baltimore County  
CJ/2082 February 13

CATONSVILLE TIMES

S. Zeke Orlow

Publisher

\$14.28

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/14, 1992

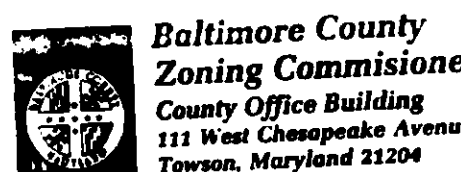
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/13, 1992

THE JEFFERSONIAN,

S. Zeke Orlow

Publisher

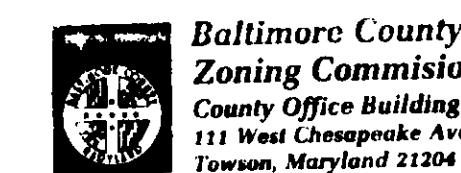
\$14.28



Date

DA434W0056MCHRC \$350.00  
EA 0010151AM01-09-92  
Please Make Checks Payable To: Baltimore County

Cashier Validation



Date

DA434W0056MCHRC \$24.28  
BA 000711AM03-04-92  
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 2/28/92

Clayton E. Spivey  
5810 Barnwood Place  
Columbia, Maryland 21044

RE:  
CASE NUMBER: 92-276-SPHX  
W/S Rolling Road, 625' N of Frederick Road  
14-A N. Rolling Road  
1st Election District - 1st Councilmember  
Legal Owner(s): Bonnie Disalvo and Richard Disalvo  
Contract Purchaser(s): Clayton E. Spivey

Dear Petitioner(s):

Please be advised that \$ 94.28 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

1/5/

ARNOLD JARLOW  
DIRECTOR

cc: Mitchell R. Peiser, Esq.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-276-SPHX  
W/S Rolling Road, 625' N of Frederick Road  
14-A N. Rolling Road  
1st Election District - 1st Councilmember  
Legal Owner(s): Bonnie Disalvo and Richard Disalvo  
Contract Purchaser(s): Clayton E. Spivey  
HEARING: WEDNESDAY, MARCH 4, 1992 at 5:00 a.m.

Special Hearing to approve acupuncture as a qualified medical profession for the purpose of a professional office within a residential property.

Special Exception for a professional office (acupuncture) within the primary residence.

LAWRENCE E. SCHMIDT

Zoning Commissioner of  
Baltimore County

cc: Richard and Bonnie Disalvo  
Clayton E. Spivey  
Mitchell R. Peiser



Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

February 5, 1992

Mithcell R. Peiser, Esquire  
805 Court Square Building  
Baltimore, MD 21202

RE: Item No. 286, Case No. 92-276-SPHX  
Petitioner: Richard DiSalvo, et al  
Petition for Special Hearing

Dear Mr. Peiser:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by zoning personnel.

Zoning Plans Advisory Committee Comments  
Date: February 5, 1992  
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

W. Carl Richards Jr.

W. Carl Richards  
Coordinator

WCR:jw

Enclosures

cc: Ms. Clayton E. Spivey  
Mr. & Mrs. Richard DiSalvo

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this  
9th day of January, 1992.

Arnold Jablon  
DIRECTOR

Received By:

W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Richard DiSalvo, et al

Petitioner's Attorney: Mitchell R. Peiser

92-276-SPHX 3-4

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: February 18, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahoe J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: January 28, 1992

ITEM NUMBER: 286

- 1) The existing 10 ft. drive should be widened to a minimum 16 ft. paved section.
- 2) The proposed two off site parking spaces should be relocated on-site.

Rahoe J. Famili  
Traffic Engineer II

RJF/lvd

92-276-SPHX 3-4-2

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21204-5500

(301) 887-4500

JANUARY 30, 1992

Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: Gary L. Kerns, Chief  
Comprehensive and Community Planning  
Office of Planning and Zoning

SUBJECT: DiSalvo/Spivey Property, Item No. 286

In reference to the Petitioner's request, the staff provides the following comments:

Staff supports the Petitioner's request provided that the following conditions are attached:

-The acupuncture practice shall be limited to Mr. Spivey and one non-professional employee to ensure that the use is compatible with the existing neighborhood.

-Upon reasonable notification of the resident, an employee of the Zoning Office shall be permitted to conduct periodic inspections in order to determine that the provisions of Section 1801.1C9B are being complied with as outlined in the Baltimore County Zoning Regulations.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:

Jeffrey Long

GLK/JL:rdn  
ITEM286/TCTROZ

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: BONNIE DISALVO AND RICHARD DISALVO

Location: #14-A N. ROLLING ROAD

Item No.: 286 Zoning Agenda: JANUARY 28, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

BALTIMORE COUNTY  
ECONOMIC DEVELOPMENT COMMISSION

Memorandum

TO: Julie Winiarski  
Office of Zoning Administration and  
Development Management

FROM: A. J. Haley, Deputy Director  
Economic Development Commission

DATE: January 29, 1992

RE: Zoning Advisory Comments for Meeting of January 28, 1992

This office has no comment for items 285, 286, 289, 290, 291, 292, 293, 294, 295, 296 and 297.

RECEIVED  
JAN 30 1992  
ZONING OFFICE

3-4 92-276

BALTIMORE COUNTY, MARYLAND  
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 13, 1992  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for January 28, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 285, 289, 290, 291, 293, 294, 295 and 296.

For Items 286 and 292 County Review Group Meetings will be required.

For Item 297, the previous County Review Group Comments still remain valid.

Robert W. Bowling  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s



March 16, 1992

Clayton  
Elizabeth  
Spivay  
M.A., M.A.C., R.A.C.

Mr. Larry Schmidt, Commissioner  
Baltimore County Zoning Administration  
111 W. Chesapeake Ave.  
Towson, MD 21202

Re Item No 286, Case No 92-276-SPHX  
Petitioner: Richard DiSalvo et al.

Dear Mr. Schmidt:

On March 4, 1992 you heard the testimony in the hearing for a special exception for use of 14 A North Rolling Road, Catonsville, 21228, for use as a professional office in a private residence. At the time, you had assured us of a decision as soon as possible, saying that, in this case, "Justice delayed is justice denied." It was hoped that your decision could be rendered quickly, as the passage of much more time could make the entire question moot.

The contract of sale for the property in question is contingent upon the granting of the special exception. Already, the date of intended settlement has passed (using the time guidelines issued by the Planning and Zoning Office upon filing the application, a March 15 settlement date was specified). While the contract may be extended with the permission of the seller, I find myself in the position of being unable to extend the deadline of the guaranteed period of my mortgage loan application, which is March 27. Any delay past the beginning of next week (March 22) will most assuredly raise the interest rate points, and other fees associated with the contract for the loan, making the transaction much more difficult, if not impossible. So you see, time really is of the essence.

I would greatly appreciate it if you could render a decision as soon as possible. I will be calling your office on Thursday (March 19) to see if your decision has been made.

Thank you for your understanding and your help.

Sincerely,

Clayton E. Spivay, R.A.C.

1876 Little Potomac Hwy,  
Suite 110  
Columbia  
Maryland  
21044  
(410) 964-5435



92-276-SPHX

3510 Barnwood Place  
Columbia, Maryland 21044  
December 29, 1991

Baltimore County Office of Planning and Zoning  
111 W. Chesapeake Ave.  
Towson, MD 21211

Dear Sirs:

I am enclosing the following applications: 1) for a Special Hearing to determine if "acupuncture" can be included on the list of medical professions which can qualify for a professional medical office within a primary residence, and 2) for a Special Exception which would allow my acupuncture office to be located within my primary residence.

In addition to the above named applications, I am enclosing several documents that, I hope, will facilitate the decision of the Commission on my behalf:

1. An article explaining the emergence of acupuncture as a medical profession in the State of Maryland and in the U.S.
2. My diploma from the Traditional Acupuncture Institute, one of only three accredited institutions in the U.S. granting graduate degrees in acupuncture.
3. My registration and license from the State of Maryland's Board of Physician Quality Assurance (the same licensing board that licenses western medical physicians).
4. A copy of the State law which governs acupuncture, and declares it within the scope of medical practice.
5. A brief explanation of the intended use and traffic flow for the proposed home office.

At this time, I would also like to request an early hearing by the Board. Since the contract for the purchase of this property is contingent on your approval of the Special Exception, it would help me greatly if the hearing could be held as soon as legally possible.

Thank you very much for your help. If I can be of further assistance, please call me at my home (730-0556).

Sincerely,

Clayton E. Spivay  
Clayton E. Spivay, R.A.C.  
Registered Acupuncturist.

286

5810 Barnwood Place.  
Columbia, MD 21044  
January 9, 1992

#286

92-276-SPHX

Mr. Arthur Jablon, Director  
Zoning Administration &  
Development Management  
111 W. Chesapeake Ave.  
Towson, MD 21204

Dear Mr. Jablon,

This is to request an early hearing for obtaining a special exception for a professional office with a primary residence.

I have submitted a bid for contract for the home located on 14 A North Rolling Rd. and the contract has been accepted based on the contingency of the special exception being granted. However, the current owner has also listed a 72 hour kick-out clause in which she can accept any other non-contingent contract with only a 72 hour notice to me to drop my contingency. Thus, time is of the essence in order to purchase this property. I would therefore appreciate the earliest possible hearing date and decision from the Board.

Thank you for your help. And thank you for the assistance your staff has provided to me in the application process.

Sincerely,  
Clayton E. Spivay

1/4/92

92-276-SPHX

To Whom It May Concern,

This is to advise that we have been made aware of the possibility of an acupuncture office coming to our neighborhood. This is to let you know that we think this will be an advantage we never dreamed of when we bought our home. Please make this a possibility by voting YES when asked to clear the way for this to happen.

Thanking you in advance, we are  
Yours truly,  
Clayton E. Spivay & his  
Petitioner & Associates

Clayton E. Spivay & his  
Petitioner & Associates  
14 A North Rolling Rd.  
Catonsville, Md 21045

286

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
JOHN L. SCHNEIDER	1000 N. Rolling Rd.
Richard A. Murphy	14 N. Rolling Rd.
Clayton E. Spivay	104 N. Rolling Road

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
CLAYTON SPIVAY	14 N. Rolling Rd.
RICHARD DI SALVO	14 N. Rolling Rd.
ROBERT D. SALVO	14 N. Rolling Rd.
DEBORAH A. CLEVELAND	12 N. Rolling Rd.
ELIZABETH CLEVELAND	12 N. Rolling Rd.

624 D.C. 409 ATLANTIC REPORTER, 24 SERIES

In the Matter of KEEFE COMPANY,  
Petitioner,

v.  
DISTRICT OF COLUMBIA BOARD OF  
ZONING ADJUSTMENT, Respondent.

No. 79-386.  
District of Columbia Court of Appeals.  
Argued Oct. 31, 1979.  
Decided Dec. 10, 1979.

The District of Columbia Zoning Administrator and the board of zoning adjustment determined that a consulting firm and registered lobbyist was not a "similar professional person" within revised special purpose district zoning regulation, and consulting firm appealed. The Court of Appeals, Pryor, J., held that: (1) board of zoning adjustment did not engage in rule making but, rather, was interpreting phrase within its statutory authority, and (2) board's conclusion that consulting firm was not a "similar professional" was neither arbitrary nor clearly inconsistent with zoning regulation.

Affirmed.

1. Zoning and Planning ¶233

By interpreting phrase "similar professional person" as used in zoning regulation, limiting use in district to certain named occupations or similar professional person, District of Columbia Board of Zoning Adjustment was not "rulemaking" without complying with procedural formalities required by statute but, rather, was interpreting phrase within its statutory authority, and thus substantial deference had to be accorded its interpretation. D.C.C.E. § 1-1502(b, 7).

See publication Words and Phrases for other judicial constructions and definitions.

2. Zoning and Planning ¶354, 605

While zoning commission promulgates regulations, it is responsibility of District of

1. The decision of the Zoning Administrator, dated September 18, 1978, was made based

Columbia Board of Zoning Adjustment to interpret the regulations adopted by commission, and unless interpretation of Board is clearly erroneous or inconsistent with regulation, Court of Appeals must defer to its decision on meaning of regulation.

3. Zoning and Planning ¶278

District of Columbia Board of Zoning Adjustment's conclusion that consulting firm and registered lobbyist was not a "similar professional person" within meaning of zoning regulation, and thus was not entitled to certificate of occupancy for premises situated in special purpose zoning district limited to use by a "chancery, non-profit organization, labor union or architect, dentist, doctor, engineer, lawyer or similar professional person," based on Board's finding that to be eligible for occupancy permit, professional must have professional education, code of ethics, and professional licensing, was neither arbitrary nor inconsistent with regulation.

See publication Words and Phrases for other judicial constructions and definitions.

John A. Keats, Washington, D. C., for petitioner.

Leo N. Gorman, Asst. Corporation Counsel, Washington D. C., with whom Judith W. Rogers, Corporation Counsel, and Richard W. Barton, Deputy Corporation Counsel, Washington, D. C., were on the brief for respondent.

Before KERN, FERREN, and PRYOR, Associate Judges.

PRYOR, Associate Judge:

(1) Petitioner, Keefe Company, a consulting firm and registered lobbyist, challenges the determination of the D.C. Zoning Administrator and the Board of Zoning Adjustment (herein BZA) that the Company is not a "similar professional person" within the Revised Special Purpose (SP) District Zoning Regulation § 4101.44 (1978). Upon the provisions of Paragraph 4101.35. On October 5, 1978, the Zoning Regulations were

pellant urges that meaning and intent Administrator and "rule making" by his Administrative without complying malities required, \$5-1-105, -106, mination by the BZA that the constitute a "use within the SP Zonary and capricious

Finding that the rulemaking "rule making" person" in a ma inconsistent with must uphold the dan-Kalorama P. Philip R. Melky Board of Zon (No. 12889, May

Petitioner ent office space in a Massachusetts A ated in a Special trict. Under § Regulations (197) are limited to us it organization, dentist, doctor, professional per The Company a occupancy for th changed so that came Paragraph Regulation. Th this appeal is co between the co regulation." B Finding of Fact

2. The court is n We think it c phrase "similar was not "ulen D.C. Code 1972, (6) the term part of any agency staten plicability an plement, inter or to describe

820 D.C. 474 ATLANTIC REPORTER, 24 SERIES

Solomon S. COLKER, Petitioner,

v.  
DISTRICT OF COLUMBIA BOARD OF  
ZONING ADJUSTMENT, Respondent.

No. 83-35.  
District of Columbia Court of Appeals.

Argued Sept. 13, 1983.  
Decided Sept. 16, 1983.\*

Businessman applied for certificate of occupancy for premises located in special purpose zone. The board of zoning adjustment denied application and businessman petitioned for review. The Court of Appeals held that action of board was neither arbitrary nor inconsistent with zoning regulation.

Affirmed.

Zoning and Planning ¶305

Finding of board of zoning adjustment that businessman, who sought certificate of occupancy for use as an "accountant, financial analyst and economist" in special planning zone, was not a "similar professional person" under zoning regulation permitting use for "office for chancery, international agency, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person" was neither arbitrary nor inconsistent with zoning regulation.

Allen V. Farber, Washington, D.C., for petitioner.

Leo N. Gorman, Asst. Corp. Counsel, Washington, D.C., with whom Judith W. Rogers, Corp. Counsel, Washington, D.C., at the time the brief was filed, and Charles L. Reischel, Deputy Corp. Counsel, Washington, D.C., were on brief, for respondent.

\*The original disposition of this case was by an unpublished Memorandum Opinion and Judgment.

Before NEBEKER, PRYOR and BELSON, Associate Judges.

PER CURIAM.

This is a petition for review of a decision of the District of Columbia Board of Zoning Adjustment (BZA) denying petitioner's application for a certificate of occupancy for premises located in a Special Purpose (SP) zone. The BZA found that petitioner was not a "similar professional person" within the meaning of § 4101.44 of the Zoning Regulations. We affirm.

Petitioner, Solomon S. Colker, is the founder and chief officer of S.S. Colker & Associates, Inc. On behalf of his corporation, Colker applied for a certificate of occupancy to use as an office certain premises located at 1330 New Hampshire Avenue, N.W. The building is in an SP-2 zone in which use is permitted for an "office for a chancery, international agency, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person" (underscoring in original). 11 DCMR, § 4104.44 (1982). Colker contends that he is a "similar professional person" within the meaning of the regulation, but the BZA ruled otherwise.

A prior decision of this court affirmed the BZA's ruling that in order to be a "similar professional person," a person must (1) have professional education, (2) be bound by a code of ethics and some principles of practice through a professional organization, and (3) be professionally licensed. See Keefe Co. v. District of Columbia Board of Zoning Adjustment, 409 A.2d 624, 625-26 (D.C.1979). Colker is licensed by the state of Maryland as a certified public accountant and is chartered as a financial analyst by the Institute of Chartered Financial Analysts. However, he sought a certificate of occupancy for use as an "accountant, financial analyst and economist." See Board of Zoning Order No. 13714 (January 18, 1983). Neither financial analysts nor economists are subject to professional regulation. Respondent's motion for publication was granted by the court.

ACUPUNCTURE FACT SHEET

92-276-SPHX

Acupuncture and How It Works

Acupuncture, a system of health care which originated in China more than 3,000 years ago, has been offered in the U.S. for more than 150 years. Acupuncture is a comprehensive system of preventive health care and health maintenance as well as a useful process for managing chronic disorders.

■ The practice of acupuncture is based on a paradigm of the body unlike that used in Western medicine. This model centers on the concept of "Qi" (pronounced "chee"), loosely translated as energy, and its effect on physiological function and health. Acupuncture's basis is supported by the scientific understanding that human beings are complex bioelectric systems.

■ Treatment with acupuncture needles is the most commonly used technique. However, acupuncturists may utilize other forms of treatment such as moxibustion (a form of heat therapy) and a variety of massage and movement techniques. Dietary modifications, herbal prescriptions and specific therapeutic exercises may also be recommended.

Acceptance and Support of Acupuncture  
As a Health System

The World Health Organization, the medical branch of the United Nations, issued a provisional list of diseases amenable to acupuncture treatment which includes respiratory ailments and gastrointestinal and eye disorders.

■ The National Institute of Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism have begun demonstration projects using acupuncture treatment for crack cocaine detoxification and alcoholism. The U.S. government has spent \$1 million funding acupuncture drug detoxification treatment programs in New York, NY; Miami, FL; and Portland, OR.



92-276-SPHX

CLAYTON E SPIVEY  
5810 BARNWOOD PLACE  
COLUMBIA MD 21044

STATE OF MARYLAND  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
PHYSICIAN QUALITY ASSURANCE  
CLAYTON E SPIVEY  
REGISTERED ACUPUNCTURIST

IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND

U00411 12/31/93

560778

State of Maryland  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
PHYSICIAN QUALITY ASSURANCE  
CLAYTON E SPIVEY  
REGISTERED ACUPUNCTURIST

IN ACCORDANCE WITH THE HEALTH OCCUPATIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND

U00411 12/31/93

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

UNIFORM RESIDENTIAL APPRAISAL REPORT

Property Address: 14A North Rolling Rd, Catonsville, MD 21228

Appraiser: Clayton E Spivey

Estimated Market Value: \$179,000

Indicated Value by Sales Comparison Approach: \$179,000

Indicated Value by Income Approach: \$179,000

Indicated Value by Cost Approach: \$179,000

Final Appraised Value: \$179,000

Comments: The property is a single family detached dwelling in good condition. The appraisal is based on the sales comparison approach, which is the most reliable method for this type of property.

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Indicated Value by Cost Approach: \$179,000

Final Appraised Value: \$179,000

Comments: The property is a single family detached dwelling in good condition. The appraisal is based on the sales comparison approach, which is the most reliable method for this type of property.

REMAX COLUMBIA

TEL No. 1-301-740-8258

Mar 2, 92 11:48 No. 015 P.03

Witness the hand and seal of the said grantors

Irvin P Trull

State of Maryland Baltimore County to wit

I hereby certify that on this twenty first day of August in the year one thousand nine hundred and forty one before me the undersigned a Notary Public of the State of Maryland in and for Baltimore County aforesaid personally appeared Lloyd Johnson and Florence Johnson the within named grantors and they severally acknowledged the foregoing deed to be their act

As Witness my hand and Notarial seal

Irvin P Trull

Notary Public

Recorded /ug 28 1941 at 1:50 P M & RECD Per Christian H Kahl Clerk

191100

James B Smith widower

Deed to

S Lloyd Johnson and wife

U S S \$47.50 S R \$25.00

Witnesseth that in consideration of the sum of five dollars and other good and valuable considerations this day paid the receipt whereof is hereby acknowledged to said James B Smith widower does grant and convey unto the said S Lloyd Johnson and Florence Johnson his wife as tenants by the entirety their assign the survivor of them and their heirs and assigns of the survivor in fee simple all that parcel of ground situated in the First Election District of Baltimore County State of Maryland known as Olden Alpine and described as follows: that is to say

Beginning for the same at a stone heretofore planted at the northeast corner of intersection of Frederick Road and Rolling Road said corner being the beginning of the land described in a deed from Charles B Johnson to Virginia M Wilson dated April 28 1893 and recorded among the Land Records of Baltimore County in Liber W M I No 134 folio 350 etc and running thence binding on the west side of Rolling Road north 4 degrees 30 minutes east 100 feet 10 inches to a stone now planted thence north 85 degrees 30 minutes west 45 feet to a stone now planted thence north 76 degrees 14 minutes west 590 feet 2 inches to a stone now planted at the end of the second line of a parcel of land conveyed by Safe Deposit and Trust Company to Edward M Hammond by deed dated June 10 1915 and recorded among the aforesaid land records in Liber W P O No 448 folio 17 thence reversing said line so drawn and starting back on south 18 degrees 21 minutes east 1340 feet 2 inches to a stone now planted on the west side of the Frederick Road at the beginning of said second line and thence binding on the Frederick Road the three following courses and distances viz north 60 degrees 40 minutes east 341 feet north 70 degrees 57 minutes east 115 feet and south 85 degrees 57 minutes east 413 feet to the place of beginning containing 40.70 acres of land more or less

Subject to leaving open a strip of land 30 feet wide along the second line of the land above described to be used as a roadway for the benefit of the 1st lot lying to the westward

Red No 3

REMAX COLUMBIA

TEL No. 1-301-740-8258

Mar 2, 92 11:48 No. 015 P.04

Plat To Accompany Petition for Zoning

PROPERTY ADDRESS: 14A ROLLING ROAD

DEED REF: LIBER 8178 FOLIO 771

OWNER: RICHARD J. DISALVO & BONNIE B. DISALVO

ROLLINGWOOD ROAD

ROLLING ROAD

EXISTING PLANNING

LOCATION INFORMATION

Councilmatic District: 1

Election District: 1

1"=200' scale napp: SW 3-0

Zoning: D.R. - 3.5

Lot size: 9.48 acreage

21108 square feet

Chesapeake Bay Critical area: YES

Prior Zoning Hearings: NONE

Zoning Office USE ONLY

reviewed by: LG

ITEM #: 286

CASE#:

Scale of Drawing: 1" = 50'

date: 1-8-1992

prepared by: LAND SURVEY & DESIGN 788-4445

Application for Special Exception

Applicant: Clayton E Spivey, R. Ac.  
5810 Barnwood Place  
Columbia, Maryland 21044  
(Tel: 410-730-0556)

Subject Property: 14 A N. Rolling Road  
Catonsville, MD 21228

Owners: Richard and Bonnie DiSalvo

Proposed Use: Primary Residence with portion to be used as Professional Office (Acupuncture)

Traffic Flow: As an acupuncturist, I see (maximum) one patient per hour. Occasionally, an acupuncture appointment takes up to 2 hours. Thus, the estimated maximum number of patients seen in one day is approximately eight.

Parking: Since the flow of patients is relatively low, the availability of two parking spaces (in addition to the space available for my own vehicle) should be ample.

Renovations: The only changes necessary to practice acupuncture within this dwelling are restricted to the inside of the house. No renovations to the exterior of the building are anticipated.

92-276-SPHX

Public Private

SEWER: ☒ ☐

WATER: ☒ ☐

Chesapeake Bay Critical area: ☒ ☐

Prior Zoning Hearings: NONE

Zoning Office USE ONLY

reviewed by: LG

ITEM #: 286

CASE#:

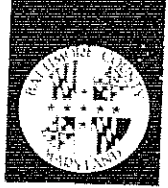
Scale of Drawing: 1" = 50'

date: 1-8-1992

prepared by: LAND SURVEY & DESIGN 788-4445







PHOTOS



#### NORTH ROLLING ROAD COMMUNITY ASSOCIATION, INC.

Wednesday, March 4th, 1992

The Officers of the North Rolling Road Community Association, Inc., having duly polled all of its members, hereby submit the following position on the zoning exception request of the contract owner of the property known as 14A North Rolling Rd., for the implementation of a residential office:

1) That an overwhelming majority of the members of the Association oppose the granting of the exception for the reasons following:

2) That the exception represents a commercial incursion into a residential neighborhood which would alter the character of the community and reduce property values in a harmful way; Association members cite their complaint against Katzenberg/Midy Tidy at 201 North Rolling Rd. in 1988, at which time the Zoning Board found in favor of the community and rejected the petition of the defendant to conduct a business on their premises; Association members also cite their Zoning Petition filed October 1991 reducing a significant portion of the community from R3.5 to R62 and removing the property at 303 North Rolling Road; that the granting of the present exception would undermine the gains to the community implicit in the cited examples and reverse the trend of community conservation underway;

3) That the exception would bring an additional traffic burden to an already overburdened thoroughfare; owners of properties in the unit block are already unhappy with the difficulty of access onto North Rolling Road resulting from heavy volumes of traffic and the back-up which occurs at the light-controlled intersection at North Rolling and Frederick Roads, and fear any exacerbation; further, a personal inspection of the site by the Association's president, an Engineer, revealed that exit visibility onto Rolling Road is restricted by large trees, an old entrance wall, and road grading itself, and poses a substantial safety hazard to occasional users unaccustomed to the traffic dynamic;

For these reasons, the Officers of the North Rolling Road Community Association, Inc., do hereby respectfully request that the Zoning Board deny the subject requested exception.

Signed:  
John Schumacher, President  
Michael J. Smith, Vice President  
David C. Smith, Secretary  
John Smith, Treasurer

Prop No 2

March 3, 1992

To whom It May Concern -

Re zoning notice 14 N. Rolling

Road.

We oppose the opening of a business, as we feel this is a fine residential area. We would hope it will remain that way.

There is always the possibility one business would lead to another.

Most Sincerely,  
Maya J. Seif  
Stephen M. Seif

1905 Rollingwood Rd.  
Catonsville, Md. 21228

Baltimore County Office of  
Planning and Zoning  
400 Chesapeake Avenue  
Towson, Maryland 21204

RE: Petition For A Special Exception  
14A North Rolling Road

Dear Sir:

My name is Roy Creel and I have resided with my wife Trish at 10 North Rolling Road, Catonsville, Maryland for over twenty years.

Please be advised that I am opposed to the petition for a special exception to use the dwelling located at 14A North Rolling Road for an acupuncture office. I, therefore, request that the Zoning Commissioner deny the petition for a special exception for the property known as 14A North Rolling Road. I do not feel that the location of this property is an appropriate location for an acupuncture office and I am concerned that the granting of such a special exception would have an adverse effect on the future of my neighborhood.

Very truly yours,

Roy L. Creel

Prop No 2

Prop No 5

#### WORK SHEET

47.0 feet  
x 28.8 feet  
1353.60  
x 2  
2707.20 sq. feet  
+ 567.00 sq. feet  
3274.20 total sq. feet

567 ÷ 3274.20 = 17% of the total sq. footage used

Additional measurements which must be added in to the total square footage:

dining room

portion of the living room used for passage

stairs up to the second and/or third levels

stairs down to the clubroom

hallways

portion of the clubroom used for passage

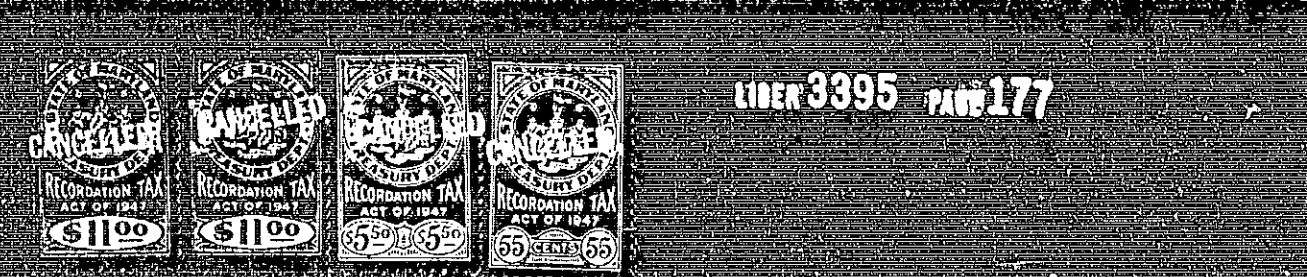
bathroom

Prop No 30

Witness the hands and seals of the said grantors  
Irwin P. Trill  
State of Maryland Baltimore County to wit  
I hereby certify that on this twenty first day of August in the year one thousand nine hundred and forty one before me the subscriber a Notary Public of the State of Maryland in and for Baltimore County aforesaid personally appeared S. Lloyd Johnson and Florence F. Johnson the within named grantors and they severally acknowledged the foregoing deed to be their act  
As Witness my hand and Notarial seal  
(Notarial seal)  
Irwin P. Trill  
Notary Public  
Recorded Aug 22 1941 at 1.50 P M A B2D Per Christian H. Kahl Clerk  
191103  
James F. Smith widow  
Deed to  
S. Lloyd Johnson and wife  
U S S \$27.50 S R T \$15.00  
This Deed Made this 21st day of August in the year one thousand nine hundred and forty one by and between James F. Smith widow of Baltimore County State of Maryland party of the first part and S. Lloyd Johnson and Florence F. Johnson of Baltimore County State of Maryland parties of the second part  
Witnesseth that in consideration of the sum of five dollars and other good and valuable considerations this day sold the receipt whereof is hereby acknowledged the said James F. Smith widow does grant and convey unto the said S. Lloyd Johnson and Florence F. Johnson his wife as tenants by the entireties their assigns the survivor of them and the heirs and assigns of the survivor in fee simple all that parcel of ground situate in the First Election District of Baltimore County State of Maryland known as Glen Alpine and described as follows that is to say  
Beginning for the same at a stone heretofore planted at the northwest corner of the intersection of Frederick Road and Rolling Road said corner being the beginning of the lot described in a deed from Charles P. Johnson to Virginia M. Wilson dated April 28 1888 and recorded among the Land Records of Baltimore County in Liber W M 1 No 124 folio 350 etc. and running thence binding on the west side of Rolling Road north 63 degrees 30 minutes east 10 feet 10 inches to a stone now planted thence north 63 degrees 30 minutes west 45 feet 10 inches to a stone now planted thence north 76 degrees 14 minutes west 590 feet 2 inches to a stone planted at the end of the second line of a parcel of land conveyed by Sara Deposit and Company to Edward M. Hammond by deed dated June 10 1915 and recorded among the aforesaid Records in Liber W P O No 440 folio 17 thence reversing said line so drawn and binding on south 12 degrees 21 minutes east 1340 feet 2 inches to a stone now planted on the west side of the Frederick Road at the beginning of said second line and thence binding the Frederick Road the three following courses and distances viz north 68 degrees 48 minutes east 341 feet north 78 degrees 57 minutes east 113 feet and south 85 degrees 57 minutes east 213 feet to the place of beginning containing 20.78 acres of land more or less  
Subject to leaving open a strip of land 30 feet wide along the second and third of the land above described to be used as a roadway for the benefit of the land adjacent to the westward

3/2/92  
Dear Sirs:  
In reference to the zoning hearing scheduled for allowing Dr. or business offices at the residence at 14 A N. Rolling Rd. in Catonsville Md. 21228.  
I am totally opposed to any now, or in the future. It creates an added traffic hazard at that entrance onto N. Rolling Rd. when it will add many more cars out of that driveway, which is difficult to split. This is an undesirable situation in a non residential neighborhood.  
Sincerely,  
John J. McHenry  
1407 Rollingwood Rd.  
Catonsville, Md. 21228

Protectants  
No 4



This Deed, Made this 6th day of August, in the year one thousand nine hundred and fifty-eight, between Florence F. Johnson, a widow,

of Baltimore County, State of Maryland of the first part, and Herman Steingass and Doretta W. S. Steingass, his wife, of Baltimore County, State of Maryland, of the second part, witnesseth

That in consideration of the sum of Five Dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said Florence F. Johnson, a widow,

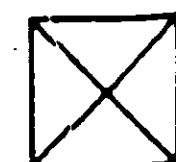
does grant and convey unto the said Herman Steingass and Doretta W. S. Steingass, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her

heirs and assigns, in fee simple, all that lot of ground situate in the First Election District of Baltimore County, State of Maryland, the improvements thereon being now known as Number 14 N. Rolling Road

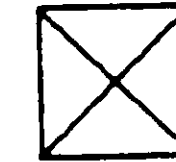
and described as follows, that is to say:  
BEGINNING for the same at the corner formed by the intersection of the west side of Rolling Road with the south side of a 40 foot Avenue, now laid out, which 40 foot Avenue embraces the entrance road leading from the Rolling Road in a westerly direction to the dwelling on the property now being described, said place of beginning also being at the beginning of a parcel of land which by a deed dated March 10, 1950 and recorded among the Land Records of Baltimore County in Liber P. H. S. No. 1822, folio 423, was conveyed by S. Lloyd Johnson and wife to James C. Davis and wife and running thence across said 40 foot Avenue and binding on the west side of Rolling Road, North 1 degree 45 minutes 30 seconds West 40.30 feet to the corner formed by the intersection of the west side of Rolling Road with the north side of said 40 foot Avenue and to the beginning of the second line of a parcel of land which by a deed dated October 11, 1949 and recorded among the Land Records of Baltimore County in Liber P. H. S. No. 1781, folio 494, was conveyed by S. Lloyd Johnson and wife to Ralph Myers and wife,



# Plat To Accompany Petition For Zoning



Special Exception  
~~Variance~~



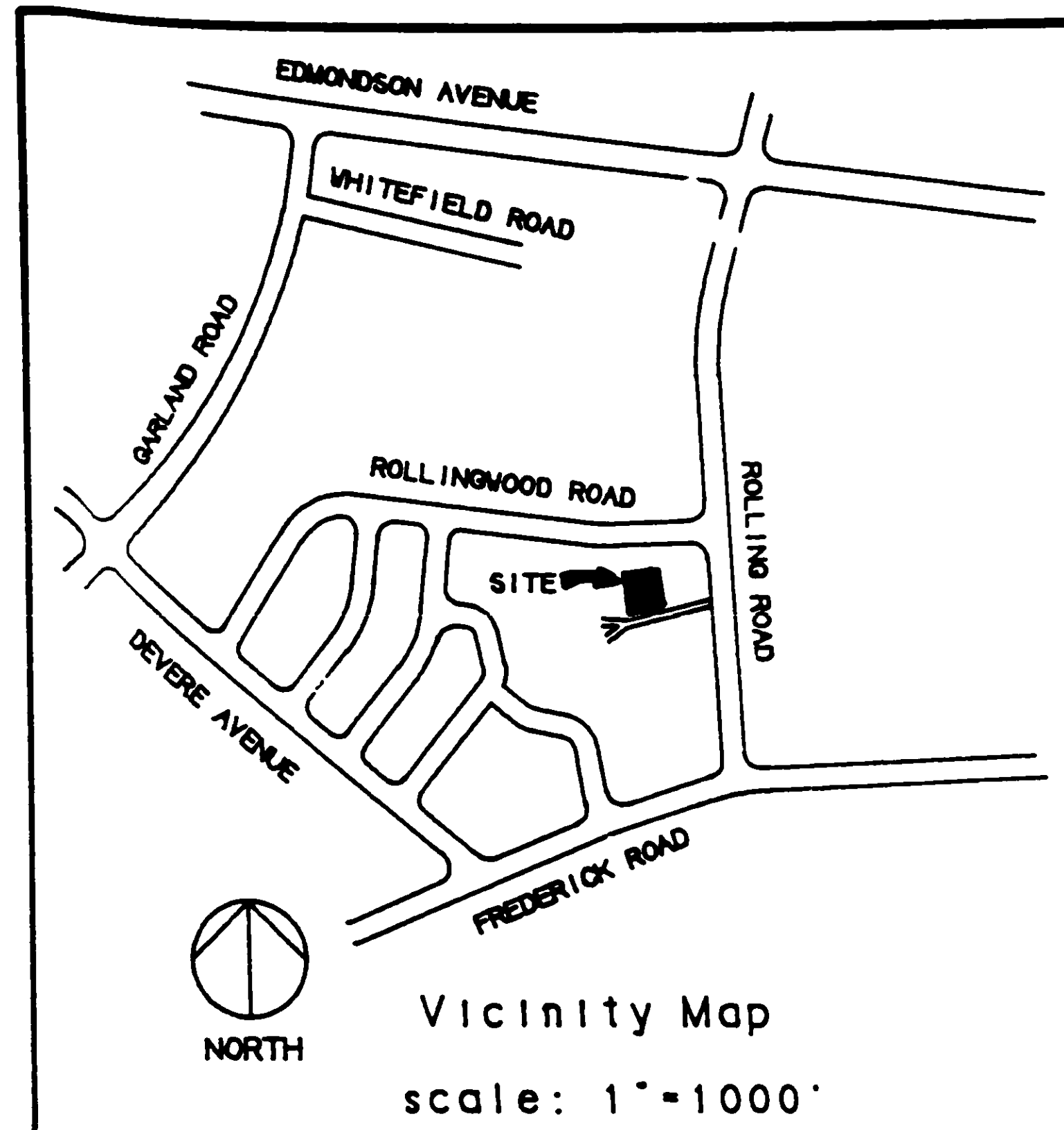
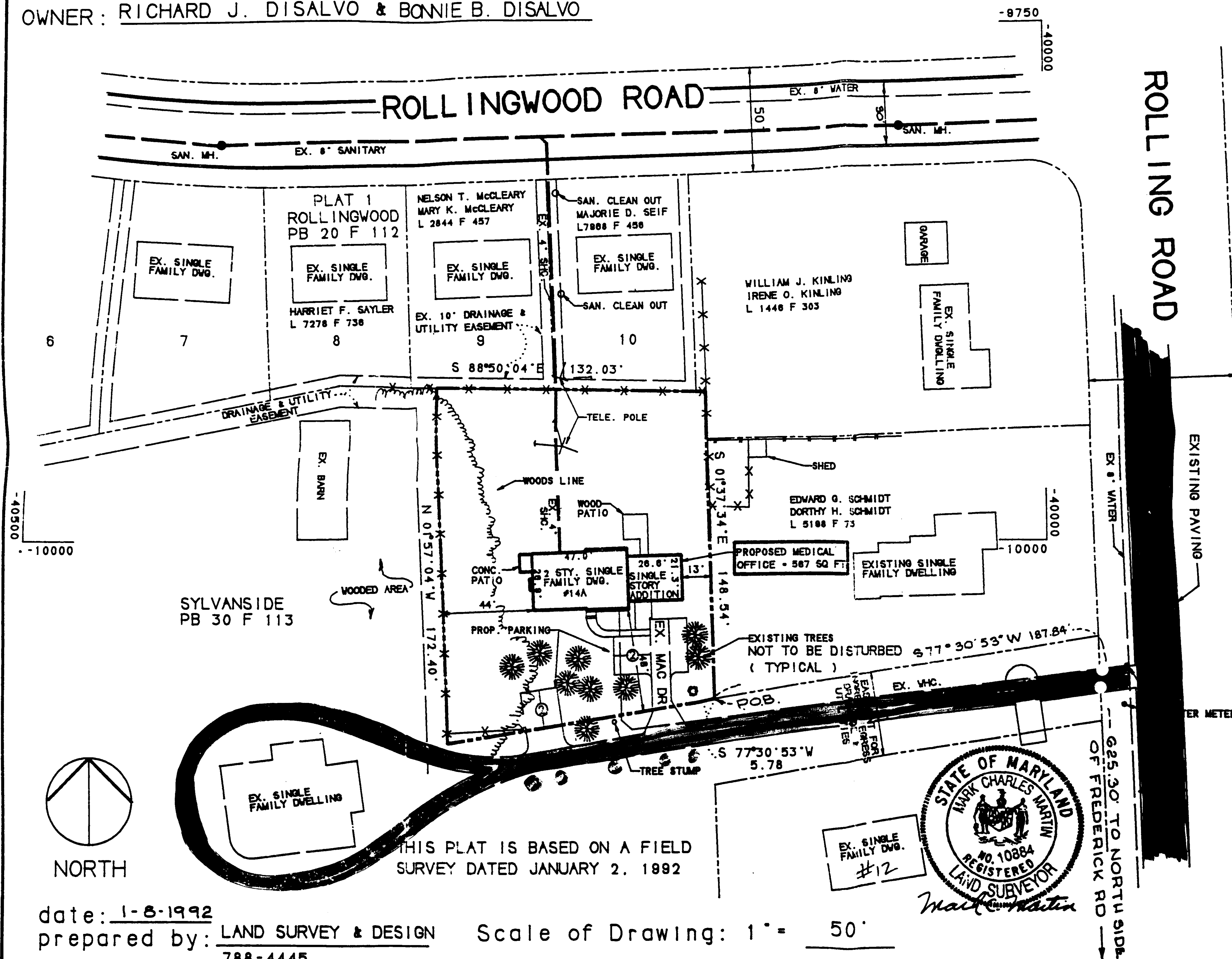
Special Hearing

PROPERTY ADDRESS 144 ROLLING ROAD

see pages 5 & 8 of the CHECKLIST for additional required information

DEED REF. LIBER 8178 FOLIO 771

OWNER: RICHARD J. DISALVO & BONNIE B. DISALVO



## LOCATION INFORMATION

Councilmanic District: 1

Election District: 1

1"=200' scale map: SW 3-0

Zoning: D.R.- 3.5

Lot size: 0.48 acreage 21108 square feet

92-276-SPHX

public private

SEWER: ☒ ☐

WATER: ☒ ☐

yes no

Chesapeake Bay Critical area: ☐ ☒

Prior Zoning Hearings: NONE

## Zoning Office USE ONLY

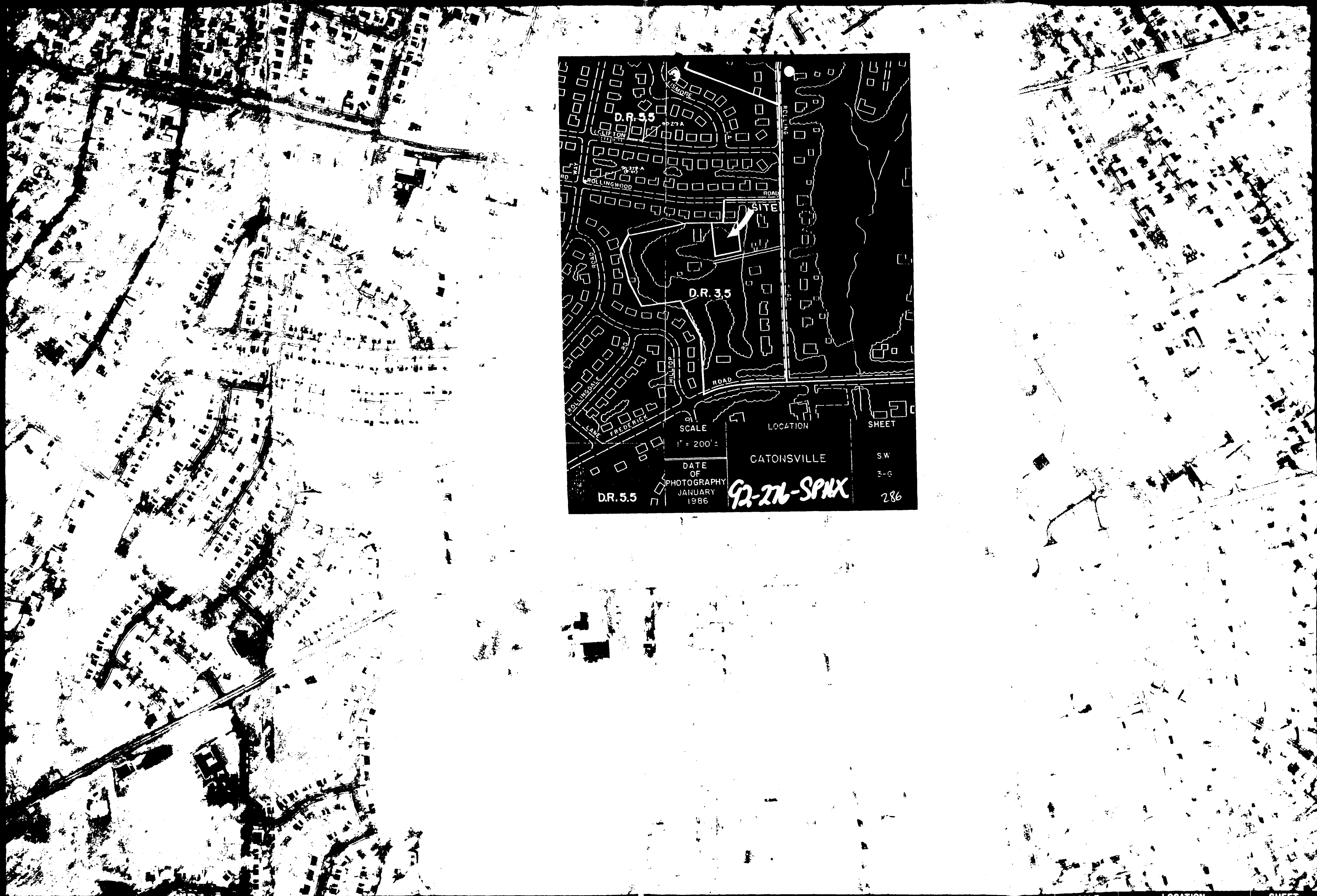
reviewed by:

ITEM #:

CASE#:

LG

286



PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	CATONSVILLE	S.W. 3-G
DATE OF PHOTOGRAPHY JANUARY 1986		286

92-276-SP4X